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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,684	03/06/2002	Conny Sjoback	19378-0020	8505

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EXAMINER

JULES, FRANTZ F

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 12/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Supplemental
Office Action Summary

Application No.

09/980,684

Applicant(s)

CONNY SJOBACK

Examiner

Frantz F. Jules

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-7,9,15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,5,7,9,15 and 16 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

The finality of the office action dated 11/25/03 has been vacated due to applicant's supplemental amendment filed on 11/19/03. This is a supplemental final office action in response to the supplemental amendment. A new time period has been restarted as of the mailing date of this office action.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Holz (DE 37 32 086 A1).

Claim 1

Holz teaches all the limitations of claim 1 by showing in figs. 1-4 a car body for a rail vehicle, including a plurality of beams which are arranged to carry an outer sheet casing of one or more wall elements (12, 14), wherein at least one of said beams (1) includes an attaching member (5) which is integral with the beam and which defines a recess extending substantially in the longitudinal direction of the beam (1), for engagement with at least part of one or more components (16, 13) intended to be supported by the beam (1).

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 15-16 are rejected under 35 U.S.C. 102(e)(1) as being anticipated by Fehr et al (US 5,784,970).

Claims 15-16

Fehr et al disclose a car body for a rail vehicle, comprising a plurality of beams (24) at least a portion of which are arranged to carry at least one wall element (22, 26), wherein at least one of said beams (24) includes an attaching member (27) which is integral with the beam and extending substantially in the longitudinal direction of the beam (24), for engagement with at least part of one or more components (not shown) intended to be supported by the beam (24).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5, 7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holz (DE 37 32 086 A1), as described above, and in view of Hanni et al (US 5,287,813).

Claims 5, 7, and 9

Holz discloses all of the limitations of claims 5, 7, and 9 except for a car body including a plurality of beams made of either aluminum or steel with a substantially T-shaped recess, wherein the beam being arranged to support a floor, a side-wall or a roof (37) of the vehicle. The general concept of using a plurality of beams made of either aluminum or steel with a substantially T-shaped recess, wherein the beam being arranged to support a floor, a side-wall or a roof (37) of a vehicle is well known in the art as illustrated by Hanni et al which disclose the teaching of a plurality of beams (7, 4) made of either aluminum or steel with a substantially T-shaped recess (15), wherein the beam being arranged to support a floor, a side-wall or a roof (37) of a vehicle, see abstract section, col. 1, lines 41-54, fig. 2. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Holz to include the use of a plurality of beams made of either aluminum or steel with a substantially T-shaped recess, wherein the beam being arranged to support a floor, a side-wall or a roof (37) of the vehicle in his advantageous car body as taught by Hanni et al in order to increase the stability of the vehicle by achieving sturdier junction with the supporting component(s), facilitate maintenance of the car.

Allowable Subject Matter

7. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. None of the references of record suggest a car body wherein the beam includes a sheet with a substantially constant thickness and that the

attaching member is defined by the shape of the sheet in the manner defined in the instant claim 6.

Response to Arguments

8. Applicant's arguments filed 09/26/03 and 11/19/03 have been fully considered but they are moot in view of the new grounds of rejection.

Applicant's argument that Gutridge et al fail to disclose a beam according to the present invention which is operative to carry an outer casing of a car body and simultaneously provide direct support for internal components has recited in the currently amended claims has been fully considered and as a result new grounds of 102 rejection based on Holz and Fehr et al as well as a 103 combination rejection are being set forth. Holz and Fehr et al references disclosing all the features of a beam having an attaching member which is integral with the beam and which defines a recess extending in the longitudinal direction of the beam for supporting one or more components of a car body as explained above constitute the basis of the new grounds of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz F. Jules whose telephone number is (703) 308-8780. The examiner can normally be reached on Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph S. Morano can be reached on (703) 308-0230. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Frantz F. Jules
Examiner
Art Unit 3617

FFJ

December 14, 2003

FRANTZ F. JULES
PATENT EXAMINER
